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10 Attorneys for Defendants

11 CPA GLOBAL NORTH AMERICA, LLC, AND CPA

12 GLOBAL LIMITED

13 UNITED STATES DISTRICT COURT

14 NORTHERN DISTRICT OF CALIFORNIA

15 RUN THEM SWEET, LLC, a California
16 limited liability company, on behalf of
17 themselves and those similarly situated,

18 Plaintiff,

19 v.

20 CPA GLOBAL LIMITED, a foreign entity
21 formed under the laws of the Island of Jersey,
22 Channel Islands, and CPA GLOBAL NORTH
23 AMERICA, LLC, a Delaware limited liability
24 company,

25 Defendants.

Case No. 3:16-cv-03662-LB JST

**STIPULATION TO CONTINUE CASE
MANAGEMENT CONFERENCE AND
~~PROPOSED~~ ORDER**

26 STIPULATION TO CONTINUE CASE MANAGEMENT CONFERENCE

27 Case No. 3:16-cv-03662-JST

28 sf-3697235

1 Pursuant to Local Rules 6-1 and 6-2, plaintiff Run Them Sweet, LLC ("Plaintiff"), and
2 defendants CPA Global North America, LLC, and CPA Global Limited (collectively,
3 "Defendants"), by and through their undersigned counsel, hereby stipulate and agree as follows:

4 WHEREAS, Plaintiff filed its Complaint in this case on June 29, 2016;

5 WHEREAS, on August 18, 2016, Defendants filed a motion to transfer this action to the
6 Eastern District of Virginia (Dkt. 20), Plaintiff filed its Opposition on September 8, 2016 (Dkt.
7 25), and Defendants filed their Reply on September 22, 2016 (Dkt. 26);

8 WHEREAS, Defendants' motion to transfer is set for hearing on October 25, 2016 (Dkt.
9 24);

10 WHEREAS, pursuant to the parties' August 24, 2016 stipulation (Dkt. 22), and the
11 Court's order granting the same (Dkt. 23), Defendants' current deadline to respond to the
12 Complaint is 30 days after the Court's order on the motion to transfer;

13 WHEREAS, the initial case management conference is scheduled for October 12, 2016
14 (Dkt. 18);

15 WHEREAS, given the pending motion to transfer and Defendants' deadline to respond to
16 the Complaint, the parties believe that continuing the case management conference would
17 promote the most efficient use of the Court's and the parties' resources;

18 WHEREAS, there have been two previous modifications of the deadlines in this case
19 (Dkts. 12 & 22);

20 WHEREAS, this stipulated extension does not affect any other existing date or deadline;

21 IT IS HEREBY STIPULATED AND AGREED by the parties, through their counsel,
22 subject to this Court's approval, that:

- 23 1. The case management conference scheduled for October 12, 2016 is continued
24 until ~~a date to be determined by the Court after the Court's order on Defendants'~~
25 ~~motion to transfer.~~ January 4, 2017.

1 Dated: September 28, 2016

PENELOPE PREOVOLOS
GRANT C. SCHRADER
MORRISON & FOERSTER LLP

4 By: /s/ Grant C. Schrader

Grant C. Schrader

6 Attorneys for Defendant
CPA GLOBAL NORTH AMERICA,
7 LLC AND CPA GLOBAL LIMITED

8 Dated: September 28, 2016

ETHAN J. BROWN
GEOFFREY A. NERI
BROWN, NERI, SMITH & KHAN LLP

11 By: /s/ Geoffrey A. Neri

Geoffrey A. Neri

13 Attorneys for Plaintiff
RUN THEM SWEET, LLC

15 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

16 Dated: September 28, 2016



Hon. Jon S. Tigar
United States District Judge

ECF ATTESTATION

I, Grant C. Schrader, am the ECF user whose ID and password are being used to file this:

**STIPULATION TO CONTINUE CASE MANAGEMENT CONFERENCE AND
~~[PROPOSED]~~ ORDER**

In compliance with Civil Local Rule 5-4.3.4, I hereby attest that Geoffrey A. Neri concurs
in this filing's content and has authorized the filing.

Dated: September 28, 2016

MORRISON & FOERSTER LLP

By: /s/ Grant C. Schrader

Grant C. Schrader

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19 liability company, on behalf of themselves and
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23 CPA GLOBAL LIMITED, a foreign entity
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25 Channel Islands, and CPA GLOBAL NORTH
26 AMERICA, LLC, a Delaware limited liability
27 company,

28 Defendants.

Case No. 3:16-cv-03662-JST

**DECLARATION OF GRANT C.
SCHRADER IN SUPPORT OF
STIPULATION TO CONTINUE
CASE MANAGEMENT
CONFERENCE**

1 I, Grant C. Schrader, declare as follows:

2 1. I am an attorney licensed to practice law in the State of California and am admitted
3 to practice before this Court. I am an associate with the law firm of Morrison & Foerster LLP,
4 counsel of record for defendants CPA Global Limited and CPA Global North America, LLC
5 (collectively, "Defendants"). I submit this Declaration in support of the parties' stipulation to
6 continue the case management conference. I make this Declaration based on my personal
7 knowledge and discussions with Plaintiff's counsel, Geoffrey Neri. If called as a witness, I would
8 testify to the facts set forth below.

9 2. Plaintiff filed its Complaint in this case on June 29, 2016, and served the
10 Complaint on CPA Global North America LLC on July 1, 2016. Defendants' counsel accepted
11 service of the Complaint on behalf of CPA Global Limited on July 18, 2016.

12 3. On July 20, 2016, the parties stipulated to extend Defendants' deadline to respond
13 to the Complaint until September 6, 2016. (Dkt. 12.)

14 4. On August 18, 2016, Defendants filed a motion to transfer this action to the
15 Eastern District of Virginia on the basis of a forum-selection clause in the parties' contract and
16 under the *forum non conveniens* factors codified in 28 U.S.C. § 1404(a). (Dkt. 20.)

17 5. On August 24, 2016, the parties stipulated to a briefing schedule on Defendants'
18 motion to transfer and to extend Defendants' time to respond to the Complaint until 30 days after
19 the Court's order on the motion to transfer. (Dkt. 22.) The Court granted the parties' stipulation
20 the following day. (Dkt. 23.)

21 6. Plaintiff filed its Opposition to Defendants' motion to transfer on September 8,
22 2016 (Dkt. 25), and Defendants filed their Reply on September 22, 2016 (Dkt. 26). The motion is
23 set for hearing on October 25. (Dkt. 24.)

24 7. The initial case management conference is scheduled for October 12, 2016.

25 8. Given the motion to transfer implicates fundamental issues concerning the proper
26 venue for this case and Defendants have not yet answered the Complaint, the parties have agreed
27
28

1 to continue the case management conference to a date to be determined by the Court after the
2 Court's order on the motion to transfer.

3 9. There is good cause for this continuance. This Court's adjudication of the motion
4 to transfer may result in this case being heard in front of a different judge, in a different district
5 court, applying different local rules and procedures and potentially a different state's law. It will
6 also necessarily impact the schedule in this case going forward. Thus, continuing the case
7 management conference would promote the most efficient use of the Court's and the parties'
8 resources.

9
10 I declare under penalty of perjury under the laws of the United States of America that the
11 foregoing is true and correct and that this Declaration was executed in San Francisco, California,
12 on this 28th day of September, 2016.

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14 By: /s/ Grant C. Schrader
15 Grant C. Schrader
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